

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK**

AMANDA DAVID,

Plaintiff,

v.

ROBERT WHITTAKER, JR.,

Defendant.

Civil Action No.: 3:24-cv-699 (DNH/ML)

ORAL ARGUMENT REQUESTED

**DEFENDANT WHITTAKER'S MOTION TO DISMISS PURSUANT TO
FED. R. CIV. P. 12(B)(1) AND 12(B)(6)**

Defendant Robert Whittaker, Jr. ("Whittaker"), through his attorneys, WILLIAMSON, CLUNE & STEVENS, hereby moves this honorable Court to dismiss with prejudice the Plaintiffs' Amended Complaint (ECF No. 11) pursuant to Federal Rules of Civil Procedure Rule 12(b)(1) for lack of subject matter jurisdiction and Rule 12(b)(6) for failure to state a claim upon which relief can be granted. Defendant Whittaker, in compliance with Local Rule 7.1(b), submits his own memorandum of law and the Supporting Affidavit of Syed Omar Shah with exhibits in support of the 12(b)(1) and 12(b)(6) Motion to Dismiss setting forth its contentions of law and arguments and authorities supporting dismissal.

Defendant's counsel further requests oral argument of the above motion based on the need to provide courtroom experience to attorney Syed Omar Shah (date of admission in New York State: Jan. 18, 2022).

WHEREFORE, Defendant Whittaker prays that this Court grant the Motion to Dismiss the Amended Complaint pursuant to Federal Rules of Civil Procedure Rule 12(b)(1) and 12(b)(6).

Dated: July 24, 2024

Respectfully Submitted,

/s/ Syed Omar Shah
Syed Omar Shah
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Counsel for Robert Whittaker, Jr.

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of this Motion to Dismiss, along with the Memorandum of Law in Support of Motion to Dismiss, the Supporting Affidavit and the exhibits appended thereto, were served on all attorneys and parties of record via the Court's CM/ECF system, and that the Clerk of the Court for the Northern District of New York, using the CM/ECF system, will electronically send notification of the filing of this pleading to all counsel of record.

Dated: July 24, 2024

/s/ Syed Omar Shah
Syed Omar Shah